

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-149-FDW**

DOUGLAS ALLEN ARNOLD,)
)
 Plaintiff,)
)
 vs.)
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of Social Security,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court upon Plaintiff’s Motion to proceed in forma pauperis. (Doc. No. 2.) In the above-captioned action, Plaintiff is seeking review of the Commissioner of Social Security’s final determination that Plaintiff is not entitled to benefits under the Social Security Act. (Complaint, Doc. No. 1.)

Federal law requires that a party instituting a civil action in federal district court pay a filing fee or be granted leave to proceed without prepayment of fees and costs. See 28 U.S.C. §§ 1914(a), 1915(a)(1). To obtain leave to proceed without prepayment of fees, a plaintiff must submit an affidavit that includes a statement of all assets such plaintiff possesses, as well as a statement that the plaintiff is unable to pay such fees. See § 1915(a)(1). Such affidavit shall state the nature of the action and affiant's belief that he is entitled to redress. See id.

Although Plaintiff submitted an Application to Proceed in District Court without Prepaying Fees or Costs, he failed to sign the affidavit in support of the Application. (Appl. 1, Doc. No. 2.) Additionally, Plaintiff failed to submit summonses with his Complaint.


The Court will deny Plaintiff’s Motion to proceed in forma pauperis (“IFP”) for failure to

sign the affidavit but will do so without prejudice so that Plaintiff may file a new, properly-signed motion. Additionally, the Court will direct the Clerk of Court to send Plaintiff blank summons forms to complete and return to the Clerk's office. Plaintiff must properly complete, sign, and return all forms or risk dismissal of his Complaint without further notice.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to proceed in forma pauperis (Doc. No. 2) is **DENIED without prejudice**;
2. The Clerk of Court is directed to send Plaintiff a blank "Application to Proceed in District Court without Prepaying Fees or Costs" form and three blank summons forms; and
3. Plaintiff shall have twenty-one (21) days from entrance of this Order to complete, sign, and return all forms to the Clerk of Court.

Signed: June 22, 2017



Frank D. Whitney
Chief United States District Judge 